

Appln No. 09/804,815
Amdt date April 7, 2009
Reply to Office action of January 7, 2009

REMARKS/ARGUMENTS

Claims 1-3, 5, 6, 8-19, 21-35, and 46-63 were pending in this application when last examined by the Examiner. Claims 1, 17, 46, and 49 have been amended. Claims 35, 53, 54, 58, and 61-63 have been canceled. Claims 64-66 have been added. The amendments find full support in the original specification, claims, and drawings. No new matter has been added. In view of the above amendments and remarks that follow, reconsideration and an early indication of allowance of the now-pending claims 1-3, 5, 6, 8-19, 21-34, 46-52, 55-57, 59, 60, and 64-66 are respectfully requested.

As an initial matter, Applicant thanks the Examiner for the courtesies extended to the undersigned during a telephone interview conducted on April 2, 2009. During the interview, the above amendments to claim 1 were discussed in detail in light of the teachings of Walker.

Claims 1-3, 5-6, 8-19, 21-35, and 46-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al. (U.S. Patent No. 6,263,505).

Claim 1 has been amended to recite, among other things:

"generating, by a computer separate from the server and the client, a particular message associated with at least one of the downloaded ITV components of a particular television episode, the particular message including a message type identifier identifying a specific layout template for displaying the at least one of the downloaded ITV components in a specific layout format;

transmitting the particular message by the computer over the data communications network;

during the particular television episode the client receiving transmitted by the computer over the data communications network, the particular message being received separately from the at least one of the downloaded ITV components;

retrieving by the client the message type identifier from the received message;

retrieving by the client the layout template stored in the client specific to the retrieved message type identifier;

formatting by the client the at least one of the downloaded ITV components in the specific layout format based on the retrieved layout template;
and

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displaying by the client the at least one of the downloaded ITV components on the display in the particular layout format, wherein the message type identifier minimizes data transfer over the data communications network by avoiding transmitting with the message specific graphics data that achieves the particular layout format." (Emphasis added).

Support for the above limitations may be found in the original application, including for example, in the specification on page 4, 3rd paragraph; page 6, last paragraph; page 7, last paragraph; page 11, last paragraph; and page 12, 2nd full paragraph, and in the drawings, such as for example, in FIG. 5.

During the telephone interview, the Examiner agreed that the above amendments to claim 1 would overcome the 102 rejection over Walker. Accordingly, an early indication of allowance of claim 1 is respectfully requested.

Independent claims 17, 46, and 49 include limitations similar to the limitations of claim 1 which make claim 1 allowable. Accordingly, an early indication of allowance of claims 17, 46, and 49 is also respectfully requested.

Claims 2-3, 5, 6, 8-16, 18, 19, 21-34, 47, 48, 50-52, 55-57, 59, and 60 are in condition for allowance because they depend on an allowable base claim and for the additional limitations that they contain.

Claims 64-66 are new in this application. Claims 64-66 are in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain. Claims 64 and 65 find support in the original application, such as, for example, on page 12, 2nd full paragraph of Applicant's specification. Claim 66 also finds support in the original application, such as, for example, on page 10, last paragraph through page 11, 1st paragraph, of Applicant's specification.

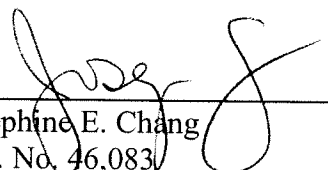
Claims 60 and 63 are rejected under 35 U.S.C. 112, first paragraph, as being based on disclosure which is not enabling. The amendment to claim 60 now overcomes this rejection. Claim 63 has been canceled. Withdrawal of the rejection under 35 U.S.C. 112, first paragraph, is respectfully requested.

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In view of the above amendments and remarks, Applicant respectfully requests reconsideration and an early indication of allowance of the now-pending claims 1-3, 5, 6, 8-19, 21-34, 46-52, 55-57, 59, 60, and 64-66.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By



Josephine E. Chang
Reg. No. 46,083
626/795-9900

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